

30 NCAC 01 .0101 is adopted with changes as published in 25:09 NCR 1113-1114 as follows:

30 NCAC 01 GENERAL

30 NCAC 01 .0101 SCOPE

The rules in this Title ~~execute~~ implement the authority granted to the State Ethics Commission (“Commission”) pursuant to Chapter 138A, State Government Ethics Act, and Chapter 120C, Lobbying, of the North Carolina General Statutes.

*History Note: Authority G.S. 120C-101(a); 138A-10(a)(2); 138A-10(a)(10);
Eff. January 1, 2011.*

1 30 NCAC 01 .0102 is adopted with changes as published in 25:09 NCR 1114 as follows:

2
3 **30 NCAC 01 .0102 LOCATION AND CONTACT INFORMATION**

4 The State Ethics Commission is located at 424 N. Blount St., Raleigh, NC 27601-1010. The
5 mailing address is 1324 Mail Service Center, Raleigh, NC 27699-1324. The Commission's
6 telephone number is (919) 715-2071. The Commission's e-mail address is
7 ethics.commission@doa.nc.gov. Any change of address or telephone number will be published
8 on the Commission's website.

9
10 *History Note: Authority G.S. 138A-9; 138A-10(a)(2); 138A-10(a)(10);*
11 *Eff. January 1, 2011.*
12

30 NCAC 01 .0103 is adopted with changes as published in 25:09 NCR 1114 as follows:

30 NCAC 01 .0103 OFFICE HOURS

The State Ethics Commission office shall be staffed from ~~at least~~ 9:00 a.m. until 5:00 p.m., Monday through Friday. The Commission follows the State Government Holiday Schedule. [Any change of office hours will be published on the Commission's website.](#)

*History Note: Authority G.S. 138A-9; 138A-10(a)(2); 138A-10(a)(10)
Eff. January 1, 2011.*

30 NCAC 01 .0104 is adopted with changes as published in 25:09 NCR 1114 as follows:

30 NCAC 01 .0104 CALCULATION OF TIME PERIODS

~~In computing any period of time prescribed or allowed by these rules, the Rules in this Title, by order of court, or by any applicable statute, G.S. 1A-1, Rule 6, applies, including all subsequent editions and amendments. including rules, orders or statutes respecting publication of notices, the day of the act, event, default or publication after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a State legal holiday in which event the period runs until the end of the next day which is not a Saturday, Sunday, or a State legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and State legal holidays shall be excluded in the computation.~~

*History Note: Authority G.S. 138A-10(a)(2); 138A-10(a)(10);
Eff. January 1, 2011.*

1 30 NCAC 01 .0105 is adopted with changes as published in 25:09 NCR 1114 as follows:

2
3 **30 NCAC 01 .0105 PUBLIC RECORD REQUESTS**

4 ~~(a) All requests for public records, including Statements of Economic Interest, should be in~~
5 ~~writing.~~

6 ~~(b) All requests will be processed as promptly as reasonably possible, generally on a first come,~~
7 ~~first served basis.~~

8 ~~(c)~~ (a) There ~~shall be~~ is no ~~cost~~ charge for copies of public records of 20 pages or less. For
9 more than 20 pages, the fee shall be is .10 per page.

10 ~~(d)~~ (b) For information contained on a compact disc ("CD"), the ~~cost shall be~~ charge is \$2.00
11 per compact disc.

12
13 *History Note: Authority G.S. 132-6(a); 138A-10(a)(2); 138A-10(a)(10);*
14 *Eff. January 1, 2011.*

30 NCAC 02 .0101 is adopted with changes as published in 25:09 NCR 1114 as follows:

30 NCAC 02 COVERED PERSONS AND BOARDS

30 NCAC 02 .0101 NON-ADVISORY BOARDS

A board as defined in G.S. 138A-3(1c) that is authorized to perform any of the following functions shall ~~generally~~ be deemed a non-advisory board:

- (1) Allocate, spend, award, or invest public money where the expenditures do not relate solely to the internal operations of the boards;
- (2) Issue, renew, deny, revoke or suspend licenses;
- (3) Adopt rules, regulations, standards, or criteria affecting those outside of the board or commission;
- (4) Enter into or approve contracts involving public money; or
- (5) Set policy governing operation of ~~an~~ a State agency ~~or institution~~.

*History Note: Authority G.S. 138A-3(1c); 138A-10(a)(2) 138A-10(a)(10);
Eff. January 1, 2011.*

1 30 NCAC 02 .0102 is adopted with changes as published in 25:09 NCR 1114 as follows:

2
3 **30 NCAC 02 .0102 NOTIFICATION OF STAFF RECOMMENDATION TO**
4 **COMMISSION**

5 ~~The~~ Commission staff shall notify an entity a board of staff's initial coverage recommendation
6 to the Commission that the entity is a "board" pursuant to G.S. 138A-3(1c) at least 60 days prior
7 to the Commission meeting at which the matter will be considered.

8
9 *History Note: Authority G.S. 138A-3(1c); 138A-10(a)(2); 138A-10(a)(10);*
10 *Eff. January 1, 2011.*
11

30 NCAC 02 .0103 is adopted with changes as published in 25:09 NCR 1114 as follows:

30 NCAC 02 .0103 RIGHT TO CONTEST RECOMMENDATION

(a) ~~A board proposed to be covered may contest staff's initial recommendation. If Commission staff recommends that~~ the entity be designated a "board" pursuant to G.S. 138A-3(1c), that entity may contest the staff's recommendation. If the board elects to contest the ~~coverage~~ staff's recommendation, the board shall respond in writing and submit any materials in support of the board's position within 45 days of receipt of the initial ~~coverage~~ recommendation. If the board has timely responded to the initial notice, the board ~~shall also have~~ has the right to be heard at the Commission meeting at which the matter will be considered.

(b) The Executive Director may extend the deadline in paragraph (a) of this rule upon good cause shown.

*History Note: Authority G.S. 138A-3(1c); 138A-10(a)(2); 138A-10(a)(10);
Eff. January 1, 2011.*

1 30 NCAC 05A .0101 is adopted as published in 25:09 NCR 1114 as follows:
2

3 **30 NCAC 05 STATEMENTS OF ECONOMIC INTEREST**
4

5 **30 NCAC 05A .0100 FILING**
6

7 **30 NCAC 05A .0101 MANDATORY USE OF COMMISSION FORMS**

8 The Commission's most current forms shall be used to file all Statements of Economic Interest
9 ("SEI").
10

11 *History Note: Authority G.S. 138A-10(a)(2); 138A-10(a)(4); 138A-10(a)(10); 138A-22(g);*
12 *Eff. January 1, 2011.*
13

1 30 NCAC 05A .0102 is adopted with changes as published in 25:09 NCR 1115 as follows:

2
3 **30 NCAC 05A .0102 SIGNATURE VERIFIES INFORMATION IS TRUE**

4 An individual's signature on a ~~document~~ Statement of Economic Interest constitutes that
5 person's verification that all information ~~entered on~~ contained in the Statement of Economic
6 Interest and any documents incorporated by reference are ~~is~~ true and complete.

7
8 *History Note: Authority G.S. 138A-10(a)(2); 138A-10(a)(4); 138A-10(a)(10); 138A-22; 138A-*
9 *24(c);*
10 *Eff. January 1, 2011.*
11

1 30 NCAC 05A .0103 is adopted as published in 25:09 NCR 1115 as follows:

2
3 **30 NCAC 05A .0103 ELECTRONIC SIGNATURE**

4 Signers of electronic documents may use any form of electronic signature permissible under G.S.
5 66-312(9), except that it shall not be a sound.

6
7 *History Note: Authority G.S. 66-312(9); 138A-10(a)(2); 138A-10(a)(4); 138A-10(a)(10); 138A-*
8 *22;*
9 *Eff. January 1, 2011.*
10

30 NCAC 05A .0104 is adopted with changes as published in 25:09 NCR 1115 as follows:

30 NCAC 05A .0104 GENERAL SUBMISSION LOCATIONS AND METHODS

(a) Statements of Economic Interest shall be filed using one of the following methods:

- (1) Electronically via the Commission's website.
- (2) United States mail addressed to: State Ethics Commission, 1324 Mail Service Center, Raleigh, NC 27699-1324.
- (3) Designated delivery service authorized by G.S. 1A-1, Rule 4, addressed to: State Ethics Commission, 424 N. Blount St., Raleigh, NC 27601-1010 or any successive address published on the Commission's website.
- (4) Hand-delivery during regular business hours to the Commission's offices at 424 N. Blount St., Raleigh, NC 27601-1010, or any successive address published on the Commission's website.

(b) Statements of Economic Interest shall not be filed by methods other than authorized by this rule, including scanning, e-mailing, or facsimile transmission.

History Note: Authority G.S. 138A-10(a)(2); 138A-10(a)(4); 138A-10(a)(10); 138A-22; Eff. January 1, 2011.

30 NCAC 05A .0105 is adopted as published in 25:09 NCR 1115 as follows:

30 NCAC 05A .0105 INCOMPLETE FORMS

Incomplete Statements of Economic Interests shall not be considered timely filed for the purpose of G.S. 138A-22.

*History Note: Authority G.S. 138A-10(a)(2); 138A-10(a)(4); 138A-10(a)(10); 138A-22; 138A-24(c);
Eff. January 1, 2011.*

1 30 NCAC 05A .0106 is adopted as published in 25:09 NCR 1115 as follows:

2
3 **30 NCAC 05A .0106 PROOF OF SUBMISSION**

4 A person may obtain proof of submission of a filing to the Commission by:

- 5 (1) Any means acceptable pursuant to G.S. 1A-1, Rules of Civil Procedure;
6 (2) Requesting that the Commission return a file stamped copy and supplying a
7 postage prepaid envelope or prepaid delivery service envelope; or
8 (3) Requesting that the Commission date-stamp a copy at the time of hand-delivery.

9
10 *History Note: Authority G.S. 1A-1; 138A-10(a)(2); 138A-10(a)(4); 138A-10(a)(10); 138A-22;*
11 *Eff. January 1, 2011.*
12

1 30 NCAC 05A .0107 is adopted with changes as published in 25:09 NCR 1115 as follows:

2
3 **30 NCAC 05A .0107 RECEIPT DATE**

4 For the purpose of determining compliance with filing deadlines, the postmarked date on a
5 Statement of Economic Interest filed by U.S. Mail shall be used. For electronic filing and
6 | commercial or hand-delivery, the receipt date ~~will be~~ is the actual date received by the
7 Commission.

8
9 *History Note: Authority G.S. 138A-10(a)(2); 138A-10(a)(4); 138A-10(a)(10); 138A-22;*
10 *Eff. January 1, 2011.*
11

1 30 NCAC 05B .0101 is adopted as published in 25:09 NCR 1115 as follows:

2
3 **30 NCAC 05B** **CONTENTS**

4
5 **30 NCAC 05B .0101 DEFINITION OF IMMEDIATE FAMILY**

6 A child of a covered person who is 18 years of age or older and who temporarily resides away
7 from home is “residing in the covered person’s household” for each year in which the child is
8 claimed as a dependent on the covered person’s Federal Income Tax Return.

9
10 *History Note: Authority G.S. 138A-10(a)(2); 138A-10(a)(4); 138A-10(a)(10); 138A-24(a);*
11 *Eff. January 1, 2011.*
12

1 30 NCAC 05B .0103 is adopted with changes as published in 25:09 NCR 1115 as follows:

2
3 **30 NCAC 05B .0103 SECOND MORTGAGE NOT REPORTABLE**

4 A second mortgage is another form of “indebtedness on the filing person’s primary personal
5 ~~residence,” residence. and, Therefore, that debt~~ is not reportable on that individual’s Statement
6 of Economic Interest.

7
8 *History Note: Authority G.S. 138A-10(a)(2); 138A-10(a)(4); 138A-10(a)10); 138A-24(a)(2)(k);*
9 *Eff. January 1, 2011.*

1 30 NCAC 05B .0104 is adopted as published in 25:09 NCR 1115 as follows:

2
3 **30 NCAC 05B .0104 REPORTABLE LIABILITY THRESHOLD IS PER CREDITOR**

4 The \$10,000 threshold that triggers reporting of liabilities is per creditor and not the cumulative
5 value of multiple debts.

6
7 *History Note: Authority G.S. 138A-10(a)(2); 138A-10(a)(4); 138A-10(a)10); 138A-24(a)(2)(k);*
8 *Eff. January 1, 2011.*
9

1 30 NCAC 07A .0101 is adopted with changes as published in 25:09 NCR 1115 - 1116 as
2 follows:

3
4 **30 NCAC 07 GIFTS**

5
6 **30 NCAC 07A INTERESTED PERSONS**

7
8 **30 NCAC 07A .0101 “INTERESTED PERSONS”**

9 | For purposes of this Chapter, ~~the term~~ “interested persons” ~~shall mean~~ are those persons listed in
10 G.S. 138A-32(d).

11
12 *History Note: Authority G.S. 138A-10(a)(2); 138A-10(a)(10); 138A-32(d);*
13 *Eff. January 1, 2011.*
14

1 30 NCAC 07B .0101 is as published in 25:09 NCR 1116 as follows:
2

3 **30 NCAC 07B FOOD AND BEVERAGE FOR IMMEDIATE CONSUMPTION AT**
4 **CERTAIN GATHERINGS**

5
6 **30 NCAC 07B .0101 GATHERINGS OPEN TO THE GENERAL PUBLIC**

7 For purposes of G.S. 138A-32(e)(1)b., if the general public is required to pay a fee to attend a
8 gathering, while individual public servants, legislators, or legislative employees are not charged
9 the same fee, the gathering is not “open to the general public.”

10
11 *History Note: Authority G.S. 120C-101(a); 120C-303; 138A-10(a)(2); 138A-10(a)(10); .138A-*
12 *32(c); 138A-32(d); 138A-32(d1); 138A-32(e)(1)b;*
13 *Eff. January 1, 2011.*
14

30 NCAC 07B .0102 is adopted with changes as published in 25:09 NCR 1116 as follows:

30 NCAC 07B .0102 ASSOCIATED WITH THE PERSON OR GOVERNMENTAL UNIT

(a) For purposes of G.S. 138A-32(e)(1)c.1, when legislators or legislative employees are invited and the person or governmental unit sponsoring the gathering ~~is sponsored by a group that~~ only consists of lobbyists, lobbyist principals, or liaison personnel, 10 individuals associated with ~~that~~ group ~~must shall actually~~ attend the gathering. For purposes of this paragraph, “group” shall mean more than one sponsoring lobbyist, lobbyist principal or liaison personnel.

(b) For purposes of G.S. 138A-32(e)(1)c.1, when only public servants are invited or when public servants and legislators or legislative employees are invited and the person or governmental unit sponsoring the gathering is sponsored by a group that only consists of interested persons, lobbyists or lobbyist principals, 10 individuals associated with ~~that the~~ group ~~must shall~~ actually attend the gathering. For purposes of this paragraph, “group” shall mean more than one sponsoring interested person, lobbyist or lobbyist principal.

(c) For purposes of G.S.138A-32(e)(1)c.1, “associated with the person or governmental unit” includes, where applicable; but is not limited to

(1) An employee;

(2) An individual who is a director, officer, partner, or holds another leadership position;

(3) An owner of a legal, equitable, or beneficial interest of ten thousand dollars (\$10,000) or more, other than a trustee on a deed of trust;

(4) An owner of five percent (5%) or more of the business, other than a trustee on a deed of trust; and

(5) A registered lobbyist;

(d) The Commission will make an individualized determination regarding whether ~~Whether~~ other relationships, such as a membership in an organization or other affiliations, qualify as being “associated with the person” or “associated with the governmental unit.” ~~will be determined on a case by case basis.~~

*History Note: Authority G.S. 120C-101(a); 120C-303; 138A-10(a)(2); 138A-10(a)(10); 138A-32(c); 138A-32(d); 138A-32(d1); 138A-32-(e)(1)c;
Eff. January 1, 2011.*

1 30 NCAC 07B .0103 is adopted with changes as published in 25:09 NCR 1116 as follows:

2
3 **30 NCAC 07B .0103 INVITED**

4 | (a) For purposes of G.S. 138A-32(e)(1)c., a “specific qualifying group” means all members of
5 one of the groups of public servants, legislators, or legislative employees listed in G.S. 138A-
6 32(e)1.c.

7 (b) If more than one specific qualifying group is invited to a gathering, the requirements of G.S.
8 138A-32(e)(1)c. are satisfied if one host or sponsor provides written notice to all members of at
9 least one of those specific qualifying groups.

10 | (c) For purposes of G.S. 138A-32(e)(1)c., “written notice” includes a notice made by e-mail.

11
12 *History Note: Authority G.S.120C-101(a); 120C-303; 138A-10(a)(2); 138A-10(a)(10); 138A-*
13 *32(e)(1)c;*
14 *Eff. January 1, 2011.*
15

30 NCAC 07C .0101 is adopted with changes as published in 25:09 NCR 1116-1117 as follows:

30 NCAC 07C CERTAIN MEETINGS AND CONFERENCES FUNDED BY LOBBYIST PRINCIPALS

30 NCAC 07C .0101 EDUCATIONAL MEETING CRITERIA

A determination as to whether an event qualifies as an “educational meeting” under G.S. 138A-32(e)(3)(i), shall be based upon consideration of the following non-exclusive factors:

- (1) Whether the meeting’s *primary* purpose is to *influence* a public servant, legislator, or legislative employee with respect to executive or legislative action or to *promote learning* for professional improvement notwithstanding a particular executive or legislative action. In applying this factor, the following facts shall be considered:
 - (a) Whether the meeting is directly related to an upcoming official vote, recommendation, or other action that the public servant, legislator, or legislative employee may take, such as the discussion of a legislative or executive proposal or specific concerns with respect to a matter that would require legislative or executive action to remedy.
 - (b) Whether the individual or entity hosting the meeting is attempting to influence particular legislative or executive action by the public servant, legislator, or legislative employee whose meeting expenditures will be paid or intends to request such action at the time the meeting is held.
 - (c) Whether the facts otherwise demonstrate that the individual’s or entity’s purpose in holding the meeting is to influence legislative or executive action.
- (2) The ~~nature- type~~ of ~~the~~ individual or entity holding the meeting. In applying this factor, the following facts shall be considered:
 - (a) Whether the individual or entity is a State agency or governmental entity.
 - (b) Whether the individual or entity is an educational institution.
 - (c) Whether the individual or entity routinely sponsors meetings with educational content.
 - (d) Whether the individual or entity holding the meeting is a Lobbyist Principal.
- (3) Whether the Lobbyist Principal that is providing the reasonable actual expenditures of the legislator, legislative employee, or public servant attending the meeting is also the sponsor or co-sponsor of the meeting.
- (4) Whether the complete agenda of the meeting demonstrates that the meeting’s primary purpose is to promote learning for professional improvement, rather than influence, a public servant, legislator, or legislative employee with respect to executive or legislative action. In applying this factor, the following facts shall be considered:
 - (a) The proportion of scheduled events that have a speaker, roundtable discussion, or other educational content.
 - (b) The proportion of scheduled events held in the absence of a meal or entertainment.

- 1 (c) The proportion of the meeting agenda that includes meals or entertainment
2 provided in conjunction with formal educational content.
- 3 (d) Whether the meeting agenda ~~covers a wide range of topics or~~ has a ~~very~~
4 ~~limited, industry company or entity~~-specific focus.
- 5 (e) Whether the meeting would take place regardless of the attendance of the
6 public servant, legislator, or legislative employee whose meeting
7 expenditures will be paid.
- 8 (f) Whether the speakers or panel participants at the meeting are associated
9 with the Lobbyist Principal paying for the meeting expenditures of the
10 public servant, legislator, or legislative employee, including its registered
11 lobbyist.
- 12 (g) Whether the speakers are outside experts in their field.
- 13 (5) The relationship of the location of the meeting to the meeting's educational
14 content. In applying this factor, the following facts shall be considered:
- 15 (a) Whether ~~the meeting location was selected in order to make it accessible~~
16 ~~there is a basis for holding the meeting in a location other than the location~~
17 ~~where the public servant, legislator, or legislative employee whose~~
18 ~~meeting expenditures will be paid lives or works to all prospective~~
19 ~~meeting attendees.~~
- 20 (b) Whether the location of the meeting is integral to the meeting's
21 educational content.
- 22 (c) Whether the meeting is sponsored by a state, national, or international
23 organization for the benefit of its state, national, or international
24 membership.
- 25 (d) Whether the ~~quality of the educational benefit obtained by~~ the public
26 servant, legislator, or legislative employee ~~is enhanced by attending the~~
27 ~~meeting. whose meeting expenditures will be paid could obtain a~~
28 ~~comparable degree of educational information through other means that~~
29 ~~would not require travel.~~
- 30 (6) Whether the total length of the meeting is reasonably necessary to fulfilling its
31 educational purpose.
- 32 ~~(7) The degree of personal benefit derived by the legislator, legislative employee, or~~
33 ~~public servant relative to the meeting's educational value.~~

34
35 *History Note: Authority G.S. 120C-101(a); 120C-303; 138A-10(a)(2); 138A-10(a)(10); 138A-*
36 *32(e)(3)(i);*
37 *Eff. January 1, 2011.*

30 NCAC 09A .0101 is adopted with changes as published in 25:09 NCR 1117 as follows:

30 NCAC 09 ETHICS COMPLAINTS

30 NCAC 09A FILING A COMPLAINT

30 NCAC 09A .0101 SCOPE

The rules in this Subchapter ~~shall~~ apply only to complaints filed pursuant to the State Government Ethics Act, Chapter 138A of the North Carolina General Statutes.

*History Note: Authority G.S. 138A-10(a)(2); 138A-10(a)(5); 138A-10(a)(6); 138A-10(a)(10); 138A-12;
Eff. January 1, 2011.*

1 30 NCAC 09A .0102 is adopted with changes as published in 25:09 NCR 1117 as follows:

2
3 **30 NCAC 09A .0102 FORMS**

4 Complaints shall be filed in accordance with G.S. 138A-12(c). A form for filing a complaint is
5 -available on the Commission's website at www.ethicscommission.nc.gov or by contacting the
6 Commission at (919) 715-2071, or any successive phone number published on the
7 Commission's website.

8
9 *History Note: Authority G.S. 138A-10(a)(2); 138A-10(a)(5); 138A-10(a)(6); 138A-10(a)(10);*
10 *138A-12(c);*
11 *Eff. January 1, 2011.*
12

1 30 NCAC 09B .0101 is adopted with changes as published in 25:09 NCR 1117 -- 1118 as
2 follows:

3
4 **30 NCAC 09B PRELIMINARY INQUIRY AND PROBABLE CAUSE**
5 **DETERMINATION**

6
7 **30 NCAC 09B .0101 INQUIRY AND PROBABLE CAUSE PANELS**

8 (a) The preliminary inquiry and the determination of probable cause shall be made by a panel of
9 two Commission members, ~~neither of whom shall~~ who shall not be of the same political party,
10 and the Executive Director. The Chair shall appoint members of the panel to serve on a rotating
11 basis. The Chair ~~is authorized to~~ may appoint substitute panel members. ~~in the Chair's~~
12 ~~discretion.~~

13 (b) After a preliminary inquiry, the panel may dismiss a complaint if it determines:

- 14 (1) The individual against whom the complaint was filed is not a covered person or
15 legislative employee; or,
16 (2) The complaint did not allege facts sufficient to constitute a violation under G.S.
17 138A-12(b).

18 (c) Commission members who serve on a panel shall not participate in any other proceeding
19 involving a complaint which was considered by the panel.

20
21 *History Note: Authority G.S. 138A-10(a)(2); 138A-10(a)(5); 138A-10(a)(6); 138A-10(a)(10);*
22 *138A-12;*
23 *Eff. January 1, 2011.*
24

30 NCAC 09B .0102 **WAS NOT ADOPTED**

~~30 NCAC 09B .0102 PROBABLE CAUSE~~

~~Probable cause means a reasonable cause to believe that a covered person or legislative employee committed a violation of G.S. 138A-12(b). Probable cause includes a reasonable belief in the legal validity of the claim itself. Probable cause:~~

~~Is a flexible, common-sense standard and does not require a showing that such a belief be correct or more likely true than false.~~

~~Deals with probabilities that are not technical but are factual and practical considerations of everyday life on which reasonable and prudent individuals, not legal technicians, act.~~

~~Is a pragmatic question to be determined in each case in the light of the particular circumstances and offense involved.~~

~~Is more than a bare suspicion, but less than the legal standard of “preponderance of the evidence,” “clear or convincing evidence,” or “proof beyond a reasonable doubt” that a Respondent has committed an unethical act.~~

~~Authority G.S. 138A-10(a)(2); 138A-10(a)(5); 138A-10(a)(6); 138A-10(a)(10); 138A-12(h).~~

1 | 30 NCAC 09B .~~0103~~ .0102 is adopted with changes as published in 25:09 NCR 1118 as follows:

2
3 | **30 NCAC 09B-~~0103~~ .0102 WRITTEN RESPONSE AFTER PRELIMINARY INQUIRY**

4
5 | (a) After a preliminary inquiry, if the covered person or legislative employee ~~chooses~~ elects to
6 file a response with the Commission pursuant to G.S. 138A-12(g), the covered person or
7 legislative employee shall file the response no later than 30 calendar days after receiving the
8 written notice that the Commission is conducting a further inquiry.

9 (b) The Executive Director may extend the deadline in section (a) of this rule for up to 30
10 calendar days upon good cause shown.

11
12 *History Note: Authority G.S. 138A-10(a)(2); 138A-10(a)(5); 138A-10(a)(6); 138A-10(a)(10);*
13 *138A-12(g);*
14 | *Eff. January 1, 2011.*
15

1 30 NCAC 10C .0101 is adopted as published in 25:09 NCR 1118 as follows:

2
3 **30 NCAC 10C REPORTING**

4
5 **30 NCAC 10C .0100 GENERAL**

6
7 **30 NCAC 10C .0101 CALCULATING VALUE OF REPORTABLE EXPENDITURES**

8 When determining if reporting is required pursuant to the ten dollar threshold of G.S. 120C-
9 100(a)(12), the aggregate amount of all things of value made to, at the request of, for the benefit
10 of, or on behalf of a designated individual and that designated individual's immediate family
11 members on that calendar day shall be used.

12
13 *History Note: Authority G.S. 120C-100(a)(12); 120C-101(a); 120C-400; 120C-401; 120C-402;*
14 *120C-403;*
15 *Eff. January 1, 2011.*
16

1 30 NCAC 10C .0102 is adopted with changes as published in 25:09 NCR 1118 as follows:

2
3 **30 NCAC 10C .0102 REPORTABLE EXPENDITURES MADE TO OR FOR THE**
4 **BENEFIT OF A DESIGNATED INDIVIDUAL OR A DESIGNATED INDIVIDUAL'S**
5 **IMMEDIATE FAMILY MEMBER**

6 (a) A reportable expenditure made to or for the benefit of a designated individual or a designated
7 individual's immediate family member shall be reported on the expense report filed for the
8 month the reportable expenditure is received by the designated individual or the designated
9 individual's immediate family member.

10 (b) When the reportable expenditure is made to or for the benefit of a designated individual or a
11 designated individual's immediate family member, the date of the reportable expenditure is the
12 date the reportable expenditure is received by the designated individual or the designated
13 individual's immediate family member.

14
15 *History Note: Authority G.S. 120C-100(a)(12); 120C-101(a); 120C-400; 120C-401; 120C-402;*
16 *120C-403;*
17 *Eff. January 1, 2011.*
18

1 30 NCAC 10C .0103 is adopted as published in 25:09 NCR 1118 as follows:
2

3 **30 NCAC 10C .0103 REPORTABLE EXPENDITURE MADE AT THE REQUEST OF**
4 **OR ON BEHALF OF A DESIGNATED INDIVIDUAL OR A DESIGNATED**
5 **INDIVIDUAL'S IMMEDIATE FAMILY MEMBER**

6 (a) A reportable expenditure made at the request of or on behalf of a designated individual or a
7 designated individual's immediate family member shall be reported on the expense report filed
8 for the month the reportable expenditure is made by the giver.

9 (b) When the reportable expenditure is made at the request of or on behalf of a designated
10 individual or a designated individual's immediate family member, the date of the reportable
11 expenditure is the date the reportable expenditure is made by the giver.

12
13 *History Note: Authority G.S. 120C-100(a)(12); 120C-101(a); 120C-400; 120C-401; 120C-402;*
14 *120C-403;*
15 *Eff. January 1, 2011.*
16

30 NCAC 10C .0301 is adopted with changes as published in 25:09 NCR 1119 as follows:

30 NCAC 10C .0300 LOBBYIST PRINCIPAL REPORTING

30 NCAC 10C .0301 REASONABLY ALLOCATED ESTIMATES ALLOWED

(a) For purposes of lobbyist principal reporting required by G.S. 120C-403(d) and (e), a lobbyist's estimate does not need to be an exact calculation or determination but shall be reasonably allocated. "Lobbyist's estimate" means a lobbyist's estimate of the portion of the salary or other payment that is ~~reasonable~~ reasonably allocated for lobbying and lobbying services. "Lobbying services" are those communications and activities listed in G.S. 120C-403(e)(2).

(b) A lobbyist's estimate is reasonably allocated if it:

- (1) Specifies the portion of the lobbyist's salary, fee, or retainer that is estimated to be in payment for lobbying and lobbying services (for example, "twenty-five percent" (25%), rather than "under forty percent" (40%) or "from ten percent to thirty percent" (10%-30%);
- (2) Includes all payments for lobbying that the lobbyist principal conveyed to the lobbyist during the registration period under G.S. 120C-200(d);
- (3) Includes all payments for lobbying services the lobbyist principal conveyed to the lobbyist during the registration period under G.S. 120C-200(d);
- (4) Is consistent with the known facts and circumstances underlying the employment terms or compensation agreement between the lobbyist principal and the lobbyist;
- (5) Is made retrospectively; and,
- (6) Is made in good faith.

(c) The estimate of the portion of the lobbyist's payment that is allocated for the purpose of lobbying ~~shall~~ should be verifiable in some manner in the event the allocation is questioned.

*History Note: Authority G.S. 120C-101(a); 120C-400; 120C-403(d); 120C-403(e);
Eff. January 1, 2011.*